

A091 (Rev. 8/01) Criminal Complaint

Clark, U.S. District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

AUG 12 2012

Daniel Bodiford, Clerk of Court

UNITED STATES OF AMERICA

v.

Beatriz Adriana GUTIERREZ

CRIMINAL COMPLAINT

Case Number: C-12-853M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 8/10/2012 in Brooks County, in the
(Date)

Southern District of Texas, the defendant(s)

Beatriz Adriana GUTIERREZ

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

See Attached Affidavit of ICE Special Agent

Daniel Bodiford

Continued on the attached sheet and made a part of this complaint:

Yes No

Daniel Bodiford
Signature of Complainant

Daniel Bodiford
Printed Name of Complainant

Sworn to before me and signed in my presence, probable cause found on

August 12, 2012

Date

at 11:30am

at

B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

Corpus Christi, Texas

City and State

Janice Ellington
Signature of Judicial Officer

AFFIDAVIT

I, Daniel Bodiford after being duly sworn, state as follows:

On August 10, 2011, U.S. Border Patrol (BP) Agent Richard McCasland was performing primary inspection duties at the Falfurrias BP Checkpoint, located approximately 13 miles south of Falfurrias, Texas, on U.S. Highway 281. At approximately 8:00 p.m., a 2008 Ford Expedition bearing Texas license plate DW5-P419 entered the primary inspection lane for an immigration inspection of its occupants. Agent McCasland proceeded to conduct an immigration inspection on the driver, later identified as Beatriz Adriana GUTIERREZ. Agent McCasland asked GUTIERREZ if she was a United States citizen and GUTIERREZ replied "Yes". Agent McCasland then asked the passenger later identified as Maria De La Luz RAMIREZ if she was a United States citizen and RAMIREZ replied "Yes". Agent McCasland asked GUTIERREZ who the child belonged to in the back seat and GUTIERREZ stated the child belonged to her. GUTIERREZ then handed Agent McCasland her child's birth certificate.

Agent McCasland looked in the back of the vehicle and noticed the vehicle had a third row seat but the window tint was too dark, but Agent McCasland noticed there were some blankets piled up in the third row. GUTIERREZ told Agent McCasland she was going to visit her parents in Kingsville, Texas, and that RAMIREZ was her sister. While talking to GUTIERREZ Agent McCasland recognized her from a previous alien smuggling case he apprehended at the checkpoint. Agent McCasland then asked GUTIERREZ to park in the secondary inspection area for a further immigration inspection of the child and a further inspection of the third row seat area.

Once in secondary inspection, Agent McCasland confirmed the child belonged to GUTIERREZ and was a United States Citizen. Inspection of the third row seat area revealed a male subject hiding behind the seat under the blankets. Upon questioning of the male subject, later identified as Emigdio GALEANA-Nunez, GALEANA was found to be in the United States illegally. At that time all subjects were placed under arrest and escorted inside the checkpoint.

Once inside the checkpoint Agent McCasland read GUTIERREZ her Miranda Rights in her preferred language of English as per Service form I-214. Agent Domingo Rico Jr. signed as a witness to the reading of the Miranda Rights. GUTIERREZ waived her rights to have an attorney present and agreed to give a sworn statement. GUTIERREZ told agents she was going to Kingsville, Texas to visit her family with her sister and child. GUTIERREZ told agents the vehicle belonged to her and her husband. GUTIERREZ told agents she stopped at the Love's truck stop to get gas and GALEANA approached her and asked for a ride. GUTIERREZ stated she was going to drop GALEANA off at the rest area just north of the checkpoint. GUTIERREZ told agents she did not know GALEANA was in the United States illegally. GUTIERREZ told agents she knew GALEANA was in the back seat but did not know he was hiding under the seat.

Agent McCasland read RAMIREZ her Miranda Rights in her preferred language of English as per Service form I-214. Agent Domingo Rico Jr. signed as a witness to the reading of the Miranda Rights. RAMIREZ refused to answer any questions without an attorney present.

Agent McCasland read GALEANA his Miranda Rights in his preferred language of Spanish as per Service form I-214. GALEANA waived his rights to have an attorney present and agreed to give a sworn statement. GALEANA told agents he was with a male subject at the Love's truck stop who told him to get in the vehicle and hide in the back. GALEANA told agents he was in the back seat for a short time until he heard the females get in the truck and they started driving north.

Records checks conducted revealed on April 12, 2012, GUTIERREZ was a back seat passenger of a 2008 Ford Expedition which was found to have two illegal aliens in the back third row seats of the vehicle at the Falfurrias, Texas Border Patrol checkpoint. When interviewed by Border Patrol agents, GUTIERREZ stated they picked up the two illegal aliens at the Love's truck stop in Edinburg, Texas. GUTIERREZ told agents she did not know both subjects were in the United States illegally. On August 24, 2011,

GUTIERREZ was the driver of a 2004 Ford Expedition which was found to have two illegal aliens hiding in the back third row seats of the vehicle at the Falfurrias, Texas Border Patrol checkpoint. When interviewed by Border Patrol agents, GUTIERREZ stated she saw the two subjects standing on the side of the road and stopped and asked them if they wanted a ride. GUTIERREZ then told agents both subjects got in the third row seats of the vehicle and they continued to drive north. GUTIERREZ told agents she did not ask the two subjects where they were going and she was just going to drop the two subjects off somewhere up the road.

On August 10, 2012, Assistant United States Attorney Chad Cowan accepted prosecution of Beatriz Adriana GUTIERREZ for violation of Title 8 USC 1324, Alien Smuggling.

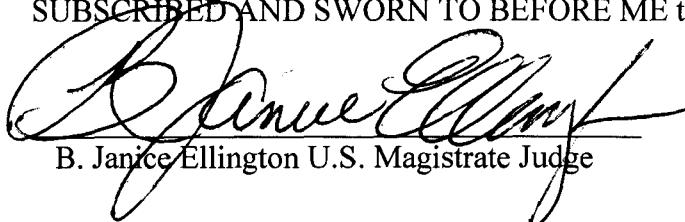
Emigdio GALEANA-Nunez will be held as material witnesses pending criminal proceedings.

Maria De La Luz RAMIREZ was released without being charged and the child was released to the custody of a family member.



Special Agent Daniel Bodiford
Homeland Security Investigations

SUBSCRIBED AND SWORN TO BEFORE ME this 12th day of August, 2012.


B. Janice Ellington U.S. Magistrate Judge